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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,020	12/26/2000	Koichi Awano	001740	3284
23850	7590	10/06/2005	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP			COLBERT, ELLA	
1725 K STREET, NW			ART UNIT	
SUITE 1000			PAPER NUMBER	
WASHINGTON, DC 20006			3624	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/747,020	Applicant(s) AWANO, KOICHI	
	Examiner Ella Colbert	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1, 2, and 4 are pending. Claims 1, 2, and 4 have been amended and claim 3 has been cancelled in this communication filed 07/08/05 entered as Request for Continued Examination (RCE) and Request for Extension of Time.
2. The claim objection for claim 2 has been overcome by the Applicant's amendment to claim 2 and is hereby withdrawn.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/08/05 has been entered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 4 recites the limitation "cash card" in line 5 on page 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over (6,473,500 B1) Risafi et al, hereafter Risafi in view of (US 6,003,762) Hayashida.

As per claim 1, Risafi teaches, A card settlement system using a debit card comprising: means for using a debit card having a money withdrawal function to issue a prepaid card (col. 3, line 53-col. 4, line 47); means for transmitting settlement data corresponding to a price or charge to be paid by using said prepaid card from a store's bank with which a prepaid card usable store has an account to a settlement bank in which said prepaid card is issued (col. 13, lines 53-62). Risafi failed to teach, means for remitting from said settlement bank to a store's account in said store's bank on the basis of said settlement data. Hayashida teaches, means for remitting from said settlement bank to a store's account in said store's bank on the basis of said settlement data (col. 5, lines 51-61, col. 8, line 56- col. 9, line 23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a means for remitting from said settlement bank to a store's account in said store's bank on the basis of said settlement data and to modify in Risafi because such a modification would allow Risafi to have an ATM terminal unit that writes the information about the amount the owner transfers between his bank deposit account and the multi-function IC card and to consummate the processing of the settlement data.

As per claim 2, Risafi teaches, The card settlement system according to Claim 1, wherein said prepaid card does not store an amount of money having a cash function but stores credit grant information indicative of a usable amount (col. 13, lines 19-62).

As per claim 4, Risafi teaches, A card settlement system using a debit card including an ATM of a settlement bank, said ATM comprising: means for using a debit card having a money withdrawal function to issue a prepaid card (col. 3, line 53-col. 4, line 47); means for inserting a prepaid card having a balance and a cash card into said ATM (col. 13, line 63-col. 14, line 19); means for inputting an identification number (col. 14, lines 37-55). Risafi failed to teach, means for permitting withdrawal of money when said identification number is proper and for processing said prepaid card to an invalid state. Hayashida teaches means for permitting withdrawal of money when said identification number is proper and for processing said prepaid card to an invalid state (col. 12, lines 27-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a means for permitting withdrawal of money when said identification number is proper and for processing said prepaid card to an invalid state and to modify in Risafi because such a modification would allow Risafi to have the capability to perform a validity check on the card to permit the execution of normal processing.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shimada et al (US 6,012,635) disclosed a card terminal for settling transactions with a prepaid card or a credit card.

Mori (US 4,877,947) disclosed a transaction processing system using a microchip card.

Cuervo (US 6,105,009) disclosed an automated machine that dispenses debit cards that includes an automated teller machine.

Burke (US 6,112,191) disclosed using an ATM machine or using a credit or debit card at a POS system.

Noblett, Jr. et al (US 5,334,823) disclosed a credit card transaction terminal for providing chargeback protection.


Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert
Primary Patent Examiner
October 1, 2005